

MINUTES OF RDA SPECIAL REGULAR MEETING – MARCH 10, 2015

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THE WEST VALLEY CITY REDEVELOPMENT AGENCY MET IN SPECIAL REGULAR SESSION ON TUESDAY, MARCH 10, 2015, AT 8:06 P.M., IN THE CITY COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY CHAIRPERSON LANG.

THE FOLLOWING MEMBERS WERE PRESENT:

Karen Lang, Chair
Ron Bigelow, Board Member
Tom Huynh, Board Member
Lars Nordfelt, Board Member
Steve Vincent, Board Member

Wayne Pyle, Chief Executive Officer
Sheri McKendrick, Secretary

ABSENT:

Steve Buhler, Vice-Chair
Corey Rushton, Board Member

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Layne Morris, CPD Director
Kevin Astill, Parks and Recreation Director
Lee Russo, Police Chief
Russell Willardson, Public Works Director
John Evans, Fire Chief
Sam Johnson, Strategic Communications Director
Brandon Hill, Law Department
Steve Lehman, CED Department
Steve Pastorik, CED Department
Mark Nord, CED Department
Jeff Jackson, CED Department
Jake Arslanian, Public Works Department

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OPENING CEREMONY

The Opening Ceremony was previously conducted by Karen Lang who led the Pledge of Allegiance to the Flag.

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BLIGHT HEARING AND PRESENTATION OF EVIDENCE OF THE EXISTENCE OR NONEXISTENCE OF BLIGHT WITHIN THE SOUTH REDWOOD ROAD URBAN RENEWAL SURVEY AREA

Chairperson Lang opened a blight hearing and requested presentation of evidence of the existence or nonexistence of blight within the South Redwood Road Urban Renewal Survey Area.

Chief Executive Officer, Wayne Pyle introduced Jeff Jackson and Mark Nord, CED Department, and Brandon Hill, Law Department. He also introduced Jon Springmeyer, Bonneville Research.

A. OVERVIEW OF SURVEY AREA SELECTION RATIONALE AND DESCRIPTION OF INVOLVED PROPERTY – JEFF JACKSON, ECONOMIC DEVELOPMENT MANAGER

Jeff Jackson, Economic Development Manager, CED Department, addressed the Board and discussed urban renewal and “tools” that could be used for revitalization and redevelopment. He displayed a map of the boundary of the renewal area and discussed reasons for including specific parcels. He pointed out the process allowed for establishing the need for redevelopment. He discussed boundaries of the area and also advised there was no residential and no desire to use eminent domain or condemnation.

Mr. Jackson answered questions from members of the Board.

B. PRESENTATION OF A BLIGHT STUDY AND EVIDENCE SUPPORTING BLIGHT WITHIN THE SURVEY AREA – JON SPRINGMEYER, BONNEVILLE RESEARCH

Jon Springmeyer, Bonneville Research, addressed the Board and advised he had been contracted by West Valley City to assist in creation of the South Redwood Road Urban Renewal Area (URA), and included with that was a blight survey that had been previously provided to the Board and by reference made part of this record.

Mr. Springmeyer advised regarding information and details of the survey, summarized as follows:

- Review of Utah Community Development and Renewal Agencies Act
- Legislative Blight Factors
- “Cause” of Blight
- Details regarding Survey Area
- Blight Survey Findings
- Photo Evidence

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- Summary
- Recommendation

Mr. Springmeyer also answered questions from members of the Board during the above presentation of information.

C. **EXAMINATION AND CROSS EXAMINATION OF WITNESSES PROVIDING EVIDENCE OF BLIGHT BY RECORD OWNERS OF PROPERTY LOCATED WITHIN THE SURVEY AREA OR BY THEIR REPRESENTATIVES**

Upon recognition, Joan Willden addressed the Board and requested Mr. Springmeyer explain what possible problems could be created for the landowners regarding the proposal.

Mr. Springmeyer discussed a few potential problems and stated this action was step one in the process and provide an opportunity for the Board to hear from the property owners. He advised blight would not show up on titles nor prevent landowners from improving or doing anything to their properties. He indicated, in fact, it might create some opportunities and tools to help redevelop properties.

Upon further inquiry, Mr. Springmeyer advised no one would be forced to change their property, and in addition, there was no intention or plans to use eminent domain and he would counsel against that use though the law permitted the Board to consider the procedure of eminent domain.

Upon further inquiry, Mr. Springmeyer explained the bar was set high for the use of eminent domain requiring 75% of all property owners in the project area, and representing 60% of the total property valuation, to petition the City to exercise eminent domain on another property in the project area.

Mr. Springmeyer also responded regarding positive effects of eminent domain including that sometimes property owners would ask for a “friendly” threat of condemnation for tax purposes. He indicated eminent domain could also be used to keep both parties focused on an honest negotiation. He advised planning in a redevelopment area was a long-term process.

Cindy (last name no audible) addressed the Board and inquired of Mr. Springmeyer how it had been determined as to which photographs would be used.

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In response, Mr. Springmeyer advised photographs had been taken in the summer and fall of 2014. He indicated he had actually driven by the properties as recently as 4:30 P.M. this day and he had noticed the motorhome on a certain property was no longer there. He advised the overall percentages and results and his recommendation would not change based on the motorhome no longer being abandoned on the property.

Daniel Gill addressed the Board. Mr. Gill inquired where his property had failed and determined to be blighted. He also read from the notice letter received from the City regarding possible use of eminent domain.

Mr. Springmeyer explained eminent domain was a right inherent with a project area and again explained requirements for doing so.

Mr. Gill discussed that blight was the first step toward condemnation. He referenced another of his properties in Fairbourne Station that had a designation of blight on the deed in the county records. He indicated a potential buyer would recognize the property was blighted and that would restrict the ability to negotiate a sale with more than one buyer.

In response, Mr. Springmeyer requested he be provided with a copy of the referenced title report that showed the property blighted as mentioned by Mr. Gill. He further informed that at the present the City had no intention of purchasing properties within the subject area.

Joan Willden addressed the Board and inquired how to opt out.

Mr. Springmeyer responded property owners could make request of the Board to have their property excluded from the proposed project area.

Ms. Willden expressed her agreement with upgrading the area, but expressed opposition of using the threat of eminent domain and questioned if other ways existed to accomplish the project. She inquired if eminent domain had been used in the Granger Crossings project area.

In response, Mr. Springmeyer advised Granger Crossings was an urban renewal area and did have the power of eminent domain for a period of the next four years. He stated to his knowledge the City had not exercised eminent domain nor the threat of eminent domain in that project area, and did not have intention of doing so.

Daniel Gill addressed the Board and stated he heard the City was drawing up paperwork for eminent domain in the subject project area.

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In response, the Chief Executive Officer, Wayne Pyle, advised he would address the issue raised by Mr. Gill later in the hearing process.

Chairperson Lang thanked Mr. Springmeyer for his presentation and answering questions.

D. **PRESENTATION OF EVIDENCE AND TESTIMONY CONCERNING EXISTENCE OR NONEXISTENCE OF BLIGHT AND/OR THE DESIRABILITY OF SELECTING A PROJECT AREA AND DRAFTING A PROJECT AREA PLAN, INCLUDING EXPERT TESTIMONY, BY RECORD OWNERS**

Chairperson Lang opened the floor to testimony regarding presentation of evidence and testimony concerning existence or nonexistence of blight and/or the desirability of selecting a project area and drafting a project area plan, including expert testimony, by record owners.

Joan Willden addressed the Board and asked for clarification regarding what could be presented in this portion of the hearing.

Brandon Hill, City Attorney's Office, advised this portion of the hearing included presentation of evidence concerning whether there was or was not blight and if it would be appropriate to move forward with the project area. In addition, he explained questions could be asked of the Board and/or staff.

Ms. Willden addressed the Board and inquired if property owners were not satisfied and chose to get together and clean up some of the blight at what percentage point would the renewal area not be considered.

Chief Executive Officer, Wayne Pyle, advised the qualifying percentages were prescribed by law. He stated there were numerous factors that contributed to the blight status of an area and he discussed some examples. He indicated improving an individual property would be helpful, but would not address improvement of the area as a whole. He explained an Urban Renewal Area (URA) afforded advantages, opportunities and help to the property owners and he discussed some examples.

In response to Ms. Willden's expression of fear and lack of trust, the Chief Executive Officer indicated to his knowledge with the many redevelopment areas previously created in West Valley City he did not recall any property having been condemned during that process. He indicated State law set forth the process of creating URA's and part of that process was the requirement of a blight study and hearings to allow testimony of property owners and interested parties. He discussed the set

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process involved in acquiring properties and stated it involved appraisals and negotiations and did not exclude or restrict other potential buyers. He explained he had not seen any situation in which any sort of exclusions or restriction of other buyers occurred. Also in response, he advised a group of property owners could get together and put together an improvement district or other type of development that would be welcomed for the area. He stated by law there was a limited number of seven years that eminent domain could be used in an urban renewal area.

Board member Vincent discussed the creation of a special improvement district by some businesses in a certain area. He indicated after some time the process had not moved fast enough for some of the businesses to see the improvements they wanted in the area. He advised the City then went through the process of creating a redevelopment area and now that area was seeing curb and gutter installed, landscaping, and help for business owners with such things as resurfacing the exterior of buildings.

Chairperson Lang stated properties would not be bought/sold for under market value and she pointed out in some cases there could be a use for eminent domain if someone held up the project with unreasonable demands.

Upon inquiry by Ms. Willden, each of the Board members responded to inquiry regarding the use of eminent domain. Mayor Bigelow expressed desire to hear additional testimony and discussed his hesitation to ever use eminent domain. Board members also expressed concern for the property owners and indicated it would take a “high bar” to ever use eminent domain unless the results benefitted all residents in the City. Members of the Board expressed concern for the subject area and indicated it could be much better thus benefitting all citizens.

Sally Jones addressed the Board. She stated eminent domain had been used in Bluffdale and her grandfather was affected and lost 200 acres that were condemned.

Board member Vincent responded to questions by Ms. Jones regarding options available if a property owner did not desire to sell. He also indicated the property owner could apply for assistance from the Redevelopment Agency for improvement of the property and other “tools” available to the property owner.

In response to inquiry by Ms. Jones, the Chief Executive Officer advised any renewal project had many facets before the project actually worked and the property owner’s interests were always important in that process.

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Carla McQueen addressed the Board and inquired regarding eminent domain and she referenced a Supreme Court decision two years ago. She also questioned the finding of blight and discussed some personal enforcement issues she had experienced in the past regarding signage and weeds.

Daniel Gill addressed the Board and indicated he did not know the proposal was in process and would rather have had the opportunity previously to opt out of the renewal area. He expressed favor of improvement in the area. He stated his property was a church property and asked if non-profit companies could make application for funding.

In response, the Chief Executive Officer, advised all properties, public and private, would be eligible to participate for help and funding in the urban renewal area.

Ken McQueen addressed the Board and expressed need for further explanation regarding tax increment and how that was used. He also discussed apartments in the city, sidewalks and other possible improvements.

Board member Vincent expressed desire to see businesses improved and for the area to be nicer. He also discussed timing and use of tax increment.

Mr. McQueen generally expressed displeasure for the proposal and stated he did not see the reason for the project.

Board member Huynh referenced the Valley Fair Mall and discussed how the use of redevelopment tools had greatly improved that area.

Lowell Brown addressed the Board and requested information regarding when a final decision would be rendered on the URA.

In response to Mr. Brown's inquiry, Brandon Hill, City Attorney's Office, advised that after taking testimony the Board would make a decision as to whether blight existed in the subject designated area. He stated if the Board found blight did exist then a plan would be formulated and brought back to the Board. He stated testimony would also be taken at that time.

Daniel Gill addressed the Board and inquired regarding tax increment and how it could be used.

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Chief Executive Officer, Wayne Pyle, advised RDA tax increment funds could be used both in revolving loans and/or to actually fund improvements.

MaryAnn Rowley addressed the Board. She inquired regarding where the funds came from to fund the improvements.

Mr. Pyle explained how tax increment was generated and that the taxes generated above the base level were invested back into the project area for improvements.

E. PRESENTATION BY OTHER INTERESTED PERSONS CONCERNING THE EXISTENCE OR NONEXISTENCE OF BLIGHT AND/OR THE DESIRABILITY OF SELECTING A PROJECT AREA AND DRAFTING A PROJECT AREA PLAN, INCLUDING EXPERT TESTIMONY, BY OTHER INTERESTED PARTIES AND TAXING ENTITIES

Chairperson Lang invited presentations by other interested persons concerning the existence or nonexistence of blight and/or the desirability of selecting a project area and drafting a project area plan, including expert testimony, by other interested parties and taxing entities.

F. CLOSE PUBLIC HEARING

There being no other interested persons to speak, Chairperson Lang closed the public hearing.

After discussion, Board member Vincent moved to take a brief recess. Board member Bigelow seconded the motion. All members voted in favor and the meeting was recessed at 8:30 P.M.

Chairperson Lang called the meeting back to order at 8:35 P.M.

1786 **CONSIDERATION OF THE ISSUE OF BLIGHT WITHIN THE SURVEY AREA AND THE EVIDENCE AND INFORMATION RELATING TO THE EXISTENCE OR NONEXISTENCE OF BLIGHT**

Chairman Lang called for discussion of the Board regarding the issue of blight within the survey area and the evidence and information relating to the existence or nonexistence of blight.

Board members, in turn, expressed their individual opinions and observations regarding the issues raised during the hearing.

1787 **CONSIDERATION OF THE ADOPTION OF RESOLUTION NO. 15-02 MAKING A FINDING OF BLIGHT, SELECTING A PROJECT AREA,**

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**AND AUTHORIZING THE PREPARATION OF A PROJECT AREA
PLAN**

The Redevelopment Agency Board previously held a blight hearing and heard presentation of evidence of the existence or nonexistence of blight within the South Redwood Road Urban Renewal Survey Area.

After discussion, Mr. Bigelow moved to approve Resolution 15-02, a Resolution of the Board of Directors of the Redevelopment Agency of West Valley City, Utah, Pursuant to Utah Code Annotated Section 17C-2-303, Making a Finding of Blight in the Proposed “South Redwood Road Urban Renewal Survey Area.” Mr. Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Huynh	Yes
Mr. Bigelow	Yes
Mr. Nordfelt	Yes
Chairperson Lang	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, THE SPECIAL REGULAR MEETING OF TUESDAY, MARCH 10, 2015, WAS ADJOURNED AT 8:47 P.M., BY CHAIRPERSON LANG.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Special Regular Meeting of the West Valley City Redevelopment Agency held Tuesday, March 10, 2015.

Sheri McKendrick, MMC
Secretary